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Attorneys for Complainant

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

GREG DENNIS BURNETT
929 Harrison Street, no. 2
Monterey, CA 93940

Case No. 5-2003

OAH No.

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Gretchen L. Kjose (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the California Board of Occupational Therapy, Department of Consumer Affairs.

2. On or about January 9, 2003, the California Board of Occupational Therapy issued Occupational Therapy License Number OT 5720 to Greg Dennis Burnett (Respondent). The Occupational Therapy License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2005, unless renewed.

JURISDICTION

3. This Accusation is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2570.26 of the Code states, in pertinent part:

1 The board may, after a hearing, deny, suspend, revoke, or place on probation a
2 license, certificate, inactive license, inactive certificate, or limited permit.

3 5. Section 2570.30 of the Code states:

4 The board shall retain jurisdiction to proceed with any investigation, action or
5 disciplinary proceeding against a license, or to render a decision suspending or revoking a
6 license, regardless of the expiration, lapse, or suspension of the license by operation of law, by
7 order or decision of the board or a court of law, or by the voluntary surrender of a license by the
8 licensee.

9 6. Section 2570.28 of the Code states, in pertinent part:

10 The board may deny or discipline a licensee for any of the following:

11 (a) Unprofessional conduct...

12 ...

13 (e) Conviction of a crime or of any offense substantially related to the
14 qualifications, functions, or duties of a licensee, in which event the record of the
15 conviction shall be conclusive evidence thereof.

16 ...

17 7. Section 2570.29 of the Code states, in pertinent part:

18 In addition to other acts constituting unprofessional conduct within the meaning
19 of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of
20 the following:

21 ...

22 (b) Use to an extent or in a manner dangerous or injurious to himself or
23 herself, to any other person, or to the public, or that impairs his or her ability to conduct
24 with safety to the public the practice authorized by his or her license, of any of the
25 following:

26 (1) A controlled substance as defined in Division 10 (commencing with Section
27 11000) of the Health and Safety Code.

28 (2) A dangerous drug or dangerous device as defined in Section 4022.

1 (3) Alcoholic beverages.

2 8. Business and Professions Code section 125.3 provides, in pertinent part,
3 that a Board may request the administrative law judge to direct a licensee found to have
4 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
5 costs of the investigation and enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (Conviction of Crime)

8 9. Respondent is subject to disciplinary action under section 2570.28(a)
9 and/or (e) of the Business and Professions Code for a conviction of a crime substantially related
10 to the qualifications, functions or duties of the license. The circumstances are as follows:

11 a. On or about November 4, 2003, Respondent was convicted of violating
12 Vehicle Code section 23152 [driving under the influence, with a prior] in Monterey
13 County Superior Court, Salinas Division, in Case No. MS 219131.

14 b. The underlying circumstances of this conviction were that on or about
15 October 26, 2003, Respondent was driving a vehicle under the influence of alcohol.

16 c. Respondent was sentenced to 5 years probation, fined \$3,500.00, ordered
17 to attend a rehabilitation program and required to obtain an interlocking device prior to
18 obtaining a drivers' license.

19 SECOND CAUSE FOR DISCIPLINE

20 (Conviction of Crime)

21 10. Respondent is subject to disciplinary action under section 2570.28(a)
22 and/or (e) of the Business and Professions Code for a conviction of a crime substantially related
23 to the qualifications, functions or duties of the license. The circumstances are as follows:

24 a. On or about October 16, 2003, Respondent was convicted of violating
25 Penal Code section 240 [assault] in Monterey County Superior Court, Salinas Division, in
26 Case No. MS 216964A.

27 b. The underlying circumstances of this conviction were that on or about
28 August 16, 2003, Respondent, while under the influence of alcohol, assaulted his

1 neighbor.

2 c. Respondent was sentenced to one year probation, a fine and ordered to
3 attend Alcoholics Anonymous meetings.

4 d. Respondent's probation was revoked on November 4, 2003, and
5 Respondent was sentenced to 10 days jail and sentenced in conjunction with the
6 probation terms ordered pursuant to Case No. 219131, as set forth in paragraph 9(c)
7 above.

8 THIRD CAUSE FOR DISCIPLINE

9 11. Respondent is subject to disciplinary action under section 2570.29(b)(3) of
10 the Business and Professions Code for the use of alcoholic beverages in a dangerous or injurious
11 manner as described in Paragraphs 9 and 10 above.

12 DISCIPLINE CONSIDERATIONS

13 12. To determine the degree of discipline, if any, to be imposed on
14 Respondent, Complainant alleges that Respondent has been convicted of 2 prior alcohol related
15 crimes as follows:

16 a. On or about March 14, 2001, Respondent was convicted of violating Penal
17 Code section 647 [drunk in public] in Monterey County Superior Court, Salinas Division,
18 in Case No. MS 191059A.

19 b. On or about July 25, 2000, Respondent was convicted of violating Vehicle
20 Code section 23152 (a) [driving under the influence] in San Benito County Superior
21 Court in Case No. CRTR 0039058.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the California Board of Occupational Therapy issue a
25 decision:

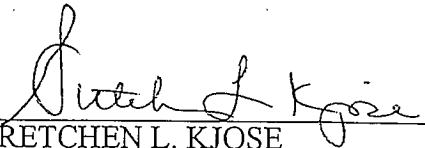
26 1. Revoking or suspending Occupational Therapy License Number OT 5720,
27 issued to Greg Dennis Burnett.

28 2. Ordering Greg Dennis Burnett to pay the California Board of Occupational

1 Therapy the reasonable costs of the investigation and enforcement of this case, pursuant to
2 Business and Professions Code section 2661.5;

3 3. Taking such other and further action as deemed necessary and proper.

4
5 DATED: March 19, 2004

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7 
8 GRETCHEN L. KJOSE
9 Executive Officer
10 California Board of Occupational Therapy
11 Department of Consumer Affairs
12 State of California
13 Complainant

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